

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

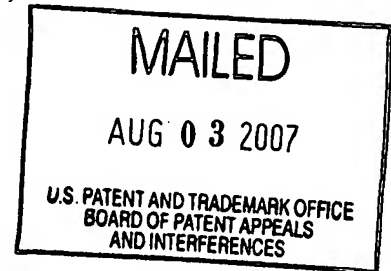
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*Ex parte* MEHRDAD NIKOONAHAD, ADY LEVY,  
KYLE A. BROWN, GARRY BULTMAN,  
DAN WACK, AND JOHN FIELDEN

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Application 10/670,183

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ORDER RETURNING UNDOCKETING APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on July 26, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER

On November 18, 2005, an Examiner Answer was mailed. In the section entitled Evidence Relied Upon (pg. 2) the Examiner stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Aspnes, US 5,900,939 and Stanke US 6,563,586 were applied to the statement of

rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer.

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) §1207.02. Appropriate correction is required.

### CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 citing all references relied on in the rejection of the claims on appeal; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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